

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 2, after "of" insert "Cleveland".
2. In Section 1 at new Section 401.711, line 4, after "pounds;" insert "as defined by Section 4501.01(XX) of the Revised Code which may be updated from time to time"; and in line 4, after "vehicles" insert "as defined by Section 4501.01(WW) of the Revised Code,".
3. In Section 2 at new Section 450.01, line 2 after "Public Safety or" insert "their designee ("Director"),"; in line 3, strike "street public rights-of-way" and insert "streets"; and at the end after "less" insert "only for legitimate business purposes as determined by the Director. For the purposes of this section, under-speed vehicle rentals and private use shall not be included as a legitimate business purpose".
4. In Section 2 at new Section 450.02(b), line 1, strike it in its entirety and insert "(b) Only under-speed vehicles that are titled and registered in the State of Ohio are permitted on City streets.".
5. In Section 2 at new Section 450.03(a), line 3, strike "the Bureau of Traffic or other local law enforcement agency" and insert "the Cleveland Division of Police"; and at the end after "(\$150.00)" insert "per vehicle".
6. In Section 2 at new Section 450.03(b)(1) line 2, strike "its" and insert "the"; and at division (b)(4) strike "and"; and at division (b)(5) strike "(Check payable to City of Cleveland.)" and insert ", and".
7. In Section 2 at new Section 450.03 after division (b)(5) insert new division (b)(6) to read as follows:

(6) Certificate of Good Standing from the Secretary of the State of Ohio.
8. In Section 2 at new Section 450.03, after division (b)(6) insert new division (c) to read as follows:

"(c) Following a successful annual inspection, the Cleveland Division of Police will provide a sign indicating that the vehicle passed inspection that must be visibly displayed on every approved under-speed vehicle."
9. In Section 2 at new Section 450.04 insert new division (a) to read as follows:

"(a) For the purpose of this section, under-speed vehicles are defined as vehicles under the Revised Code and the Codified Ordinances of the City of Cleveland and are subject to all vehicle traffic laws of the Revised Code and Codified Ordinances of the City of Cleveland;"

10. In Section 450.04, renumber existing divisions (a), (b) and (c) to new divisions "(b)", "(c)" and "(d)".

11. In Section 2 at new Section 450.05, strike the first paragraph in its entirety and insert "All under-speed vehicles shall conform to the rules and regulations governing their use, imposed by the Director, as deemed necessary for the protection of life and property. The Director may create a restricted service area map, implement any special event restrictions, and may charge a fee for pick up and drop off zones in an amount to be determined by the Board of Control. Such rules and regulations shall become effective seven (7) days after publication in the City Record.".

12. In Section 2 at new Section 450.06, in the first line after "following" insert "in the manner required by the equipment provisions of Chapter 4513 of the Revised Code"; and strike division (l) in its entirety.

13. In Section 2, after section 450.06, insert new Section 450.07 to read as follows:

Section 450.07 Requires Information to Display

Any under-speed vehicles, at a minimum, must display all of the following information:

(a) Rates and fees schedule, if applicable;

(b) A properly placed inspection sign issued by the Cleveland Division of Police; and

(c) Any other required business permits or licenses.

14. In Section 2, after new Section 450.07, insert new Section 450.08 to read as follows:

Section 450.08 Suspension or Revocation of Permission to Operate; Appeal

(a) Consent to operate under-speed vehicles under this chapter may be suspended or revoked by the Director at any time if it is determined that the rules and regulations of this section are violated. Additionally, if the operation of under-speed vehicles on City streets becomes a hazard or risk to the health, safety, and welfare of the public, the Director may revoke existing permissions and discontinue the acceptance of applications to operate under this chapter.

(b) The Director shall give written notice of suspension or revocation of consent to the under-speed vehicle operator or his or her agent stating the reasons therefor. The action shall be effective upon giving such notice to the operator or to his or her agent. If the business owner or operator fails to comply, the Cleveland Division of Police may seize and hold the under-speed vehicle.

(c) Within five (5) business days of receipt of the notice, the operator may request a hearing before the Director. The Director shall forthwith hold the requested hearing, at which time the operator shall be afforded the opportunity to give his or her version of the facts which gave rise to the Director's action. After the hearing the Director shall determine whether to reinstate consent to operate or to permanently rescind it. The action of the Director may be appealed in accordance with the provisions of the Charter.

15. In Section 2 at new Section 450.99, at the first paragraph, starting in line 2, strike "minor degree misdemeanor and shall be fined in an amount to be determined by the Board of Control and" and insert "minor misdemeanor, and shall"; also in the first paragraph, line 5, strike "405.02" and insert "450.08"; and at the second paragraph, line 5, strike "or companies" and insert "companies, or other commercial or legal entities".

Date: _____ (Signed): _____
Andrea Paspek
Assistant Director of Law

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